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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,006	02/23/2002	Charbel Khawand	CM03418J	1901

7590 05/23/2005

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EXAMINER
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GARY, ERIKA A

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/082,006

**Applicant(s)**

KHAWAND ET AL.

**Examiner**

Erika A. Gary

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's submission or prior art, Wan et al., US Patent Number 6,240,288 (hereinafter Wan) in view of Sun, US Patent Number 6,295,311 (hereinafter Sun).

Regarding claim 1, Wan discloses a method of monitoring a broadcast channel for a page at a mobile communication device, comprising: receiving a broadcast signal in the broadcast channel to check for the page; determining a signal quality metric upon receiving the broadcast signal; selecting a time period based on the signal quality metric; and receiving the broadcast again to check for the page only after the time period has passed (figs. 7, 8., col. 2: lines 32-44).

What Wan does not specifically disclose is calculating the values of a plurality of channel parameters; weighting each of the values of the plurality of channel parameters by applying a scaling factor to provide weighted values; and determining the signal quality metric by summing the weighted values. However, Sun teaches this limitation (abstract; fig. 4; col. 2: lines 56-65).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Wan to include Sun. The motivation for this combination, as suggested

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by Sun, would have been to provide a means for estimating the signal quality metric [col. 2: lines 12-17].

Regarding claim 2, Wan discloses placing the mobile communication device into a low power mode between the selecting and receiving the broadcast signal again, the low power mode being characterized by the mobile communication device having a lower rate of power consumption than when receiving the broadcast signal (col. 4: lines 19-31, 46-52).

Regarding claim 3, Wan discloses the signal quality metric is determined, at least in part, by the received signal strength (col. 9: lines 26-30).

Regarding claim 4, Wan and Sun do not specifically teach that the signal quality metric is determined, at least in part, by an automatic gain control setting of a receiver of the mobile communication device. However, it is well known in the art to determine signal quality by various means, such as by automatic gain control. It would have been obvious to one of ordinary skill in the art at the time of the invention, to include using an automatic gain control setting as Wan states that any technique to measure signal quality could be used wherein the invention would perform equally well (col. 10: lines 16-18).

Regarding claim 5, Wan discloses the signal quality metric is determined by weighting at least two parameters selected from the group consisting of received signal strength of the broadcast signal, automatic gain control setting of a receiver of the mobile communication device, and a correlation value of the broadcast signal (col. 9: line 26 - col. 10: line 19).

Regarding claim 6, Wan discloses if the signal quality metric is below a preselected threshold, the selecting the time period comprises selecting a default time period (col. 11: lines 45-52).

Regarding claim 7, Wan discloses the selecting the time period based on the signal quality metric comprises selecting the time period in terms of a number of time slots, the time slots defined by an air interface used by the mobile communication device (fig. 7: ref. 740; col. 5: line 62 - col. 6: line 6., col. 11: lines 10-28).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
May 18, 2005

  
ERIKA A. GARY  
PRIMARY EXAMINER